

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

OMEGA PATENTS, LLC,  
a Georgia limited liability company,

Plaintiff,

v.

BAYERISCHE MOTOREN WERKE  
AG, a Foreign company, and BMW OF  
NORTH AMERICA, LLC,

Defendant.

Case No. 1:20-cv-01907-SDG

**DEFENDANT BMW OF NORTH AMERICA, LLC'S MOTION TO  
DISMISS THE COMPLAINT FOR IMPROPER VENUE**

Pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, BMW of North America, LLC (“BMWNA”) moves to dismiss the Complaint of Plaintiff Omega Patents, LLC (“Omega”) for failure to adequately plead venue. As set forth more fully in BMWNA’s contemporaneously filed supporting memorandum of law, none of Omega’s allegations regarding venue relate to BMWNA. Instead, all of Omega’s venue-related allegations concern independent dealers of BMW vehicles—non-parties who are separate and distinct entities from BMWNA. This cannot establish venue. BMWNA offered Omega the opportunity to file an amended

complaint to fix this fundamental deficiency, but Omega refused, forcing this present motion.

At least for these reasons, and the reasons set forth in BMWNA's contemporaneously filed supporting memorandum of law, the Court should dismiss Omega's Complaint and grant BMWNA its costs and fees for filing this motion.

Dated: August 3, 2020

Respectfully submitted,

s/ Samhitha Medatia

Kara A. Specht (Ga. Bar No. 881687)  
Samhitha Medatia (Ga. Bar No. 432323)  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
271 17<sup>th</sup> Street, NW, Suite 1400  
Atlanta, Georgia 30363  
Telephone: (404) 653-6400  
Fax: (404) 653-6444  
Email: [kara.specht@finnegan.com](mailto:kara.specht@finnegan.com)  
Email: [samhitha.medatia@finnegan.com](mailto:samhitha.medatia@finnegan.com)

**Of Counsel:**

Lionel M. Lavenue (*pro hac vice*)  
**FINNEGAN, HENDERSON, FARABOW,**  
**GARRETT & DUNNER, LLP**  
11955 Freedom Drive, Suite 800  
Reston, VA 20190  
(571) 203-2700  
[lionel.lavenue@finnegan.com](mailto:lionel.lavenue@finnegan.com)

R. Benjamin Cassady (*pro hac vice*)  
Kai Rajan (*pro hac vice*)  
Kevin J. Spinella (*pro hac vice*)

Courtney Kasuboski (*pro hac vice*)  
**FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP**  
901 New York Avenue, NW  
Washington, DC 20001-4413  
(202) 408-4000

*Attorneys for Defendant BMW of North  
America, LLC*

**CERTIFICATE OF SERVICE AND COMPLIANCE**

Counsel for Defendant BMW of North America, LLC hereby certifies that on August 3, 2020, the foregoing Defendant BMW of North America, LLC's Motion to Dismiss the Complaint for Improper Venue was filed electronically with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

Pursuant to Local Rule 7.1(D), counsel for Defendant BMW of North America, LLC certifies that the foregoing was prepared in 14-point Times New Roman font and otherwise conforms to the requirements of Local Rule 5.1.

s/ Samhitha Medatia

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Kara A. Specht (Ga. Bar No. 881687)  
Samhitha Medatia (Ga. Bar No. 432323)  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
271 17<sup>th</sup> Street, NW, Suite 1400  
Atlanta, Georgia 30363  
Telephone: (404) 653-6400  
Fax: (404) 653-6444  
Email: [kara.specht@finnegan.com](mailto:kara.specht@finnegan.com)  
Email: [samhitha.medatia@finnegan.com](mailto:samhitha.medatia@finnegan.com)

**Of Counsel:**

Lionel M. Lavenue (*pro hac vice*)  
**FINNEGAN, HENDERSON, FARABOW,**  
**GARRETT & DUNNER, LLP**  
11955 Freedom Drive, Suite 800  
Reston, VA 20190  
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lionel.lavenue@finnegan.com

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GARRETT & DUNNER, LLP**  
901 New York Avenue, NW  
Washington, DC 20001-4413  
(202) 408-4000

*Attorneys for Defendant BMW of North  
America, LLC*